

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Paramjit Singh,)	CIV-16-0755-PHX-SRB (MHB)
Petitioner,)	REPORT AND RECOMMENDATION
vs.)	
Secretary of Department of Homeland)	
Security,)	
Respondent.)	

TO THE HONORABLE SUSAN R. BOLTON, UNITED STATES DISTRICT JUDGE:

On March 21, 2016, Petitioner Paramjit Singh (A208-205-672), who is confined in the Florence Correctional Center, filed a *pro se* Petition Under 28 U.S.C. § 2241 for a Writ of Habeas Corpus by a Person in Federal Custody and paid the filing fee. In an April 12, 2016 Order, the Court dismissed the Petition without prejudice and gave Petitioner 30 days to file an amended petition using the court-approved form. On May 5, 2016, Petitioner filed an Amended § 2241 Petition (Doc. 4).

Petitioner is a native and citizen of India. He has been detained since he attempted to enter the United States through the border with Mexico on November 23, 2015. After Petitioner requested asylum, an asylum officer conducted a reasonable fear interview and determined that Petitioner lacked a credible fear of persecution or torture. On December 16, 2015, an immigration judge (IJ) affirmed the asylum officer's negative credible fear determination and ordered Petitioner removed from the United States. Petitioner filed a

1 petition for review of the IJ's decision in the Ninth Circuit Court of Appeals, and on June 13,
2 2016, the Ninth Circuit dismissed the petition for review concluding that it lacked
3 jurisdiction.

4 In his Amended Petition, Petitioner raises four grounds for relief. In Grounds One and
5 Four, Petitioner argues that he is entitled to a bond hearing pursuant to, *inter alia*, Zadvydas
6 v. Davis, 533 U.S. 678 (2001), and Rodriguez v. Robbins, 804 F.3d 1060 (9th Cir. 2015). In
7 Ground Two, Petitioner alleges that the IJ's decision was not supported by substantial
8 evidence and that both the IJ and the asylum officer applied the incorrect law and failed to
9 supply specific, cogent reasons for their negative credible fear determinations. In Ground
10 Three, he claims that the asylum officer failed to elicit sufficient evidence, that there was no
11 counsel present, and that he was denied the opportunity to present corroborating evidence.
12 Petitioner also claims that the IJ affirmed the asylum officer's negative credible fear finding
13 without providing him "an opportunity to explain ... [or] present corroborating evidence."

14 On June 17, 2016, the Court screened the Amended Petition and required Respondent
15 to answer Grounds One and Four. The Court dismissed Grounds Two and Three for lack of
16 jurisdiction.

17 On September 2, 2016, Respondent filed a Notice to the Court and Suggestion of
18 Mootness (Doc. 14). Respondent stated that on August 30, 2016, the IJ held a bond hearing
19 for Petitioner, and denied his request for change in custody. (Doc. 14, Exh. 1 – August 30,
20 2016 Order of Immigration Judge.) Respondent contended that Petitioner has received the
21 bond hearing that he sought in the Amended Petition and, therefore, this matter is moot as
22 there is no longer a live controversy.

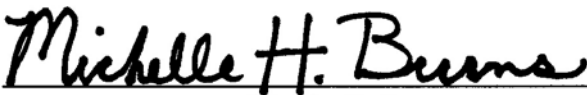
23 Thus, it appearing that Petitioner has received the bond hearing that he sought in his
24 petition and, therefore, there is no longer a live controversy in this matter, the Court ordered
25 Petitioner to show cause why this action should not be dismissed as moot. To date, Petitioner
26 has not responded or otherwise communicated with the Court, and the time for filing a
27 response to the Court's Order has expired.

1 Accordingly, it appearing that the relief requested in Petitioner's amended habeas
2 petition has been granted, and that the amended habeas petition is now moot and should be
3 dismissed, the Court will recommend that Petitioner's Amended Petition for a Writ of Habeas
4 Corpus be dismissed.

5 **IT IS THEREFORE RECOMMENDED** that Petitioner's Amended Petition for a
6 Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Doc. 4) be **DISMISSED** as moot and
7 without prejudice.

8 This recommendation is not an order that is immediately appealable to the Ninth
9 Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of
10 Appellate Procedure, should not be filed until entry of the district court's judgment. The
11 parties shall have fourteen days from the date of service of a copy of this recommendation
12 within which to file specific written objections with the Court. See 28 U.S.C. § 636(b)(1);
13 Rules 72, 6(a), 6(b), Federal Rules of Civil Procedure. Thereafter, the parties have fourteen
14 days within which to file a response to the objections. Failure timely to file objections to the
15 Magistrate Judge's Report and Recommendation may result in the acceptance of the Report
16 and Recommendation by the district court without further review. See United States v.
17 Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). Failure timely to file objections to any
18 factual determinations of the Magistrate Judge will be considered a waiver of a party's right
19 to appellate review of the findings of fact in an order or judgment entered pursuant to the
20 Magistrate Judge's recommendation. See Rule 72, Federal Rules of Civil Procedure.

21 DATED this 26th day of September, 2016.

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24 Michelle H. Burns
25 United States Magistrate Judge
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